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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,039	05/01/2001	Dhadesugoor R. Vaman	7703/29	5212

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EXAMINER

SWearingen, Jeffrey R

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,039

Applicant(s)

VAMAN ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 0206.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 29-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- † See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/29/2005 has been entered.

Election/Restrictions

2. Claims 7-9 and 29-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/28/2006.

Response to Arguments

3. The objection to claims 44-46 is withdrawn based on Applicant's arguments.

4. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant is urged to clarify the reservation and connection method for the establishment of connections, based upon the signaling standards and basic ATM theory documents enclosed by the Examiner. Currently the claims broadly read upon establishing a connection using the ATM signaling standard. Multiple pieces of prior art are included that further read upon these claims as currently presented. Applicant is invited to contact the Examiner during preparation of the amended claims to further prosecution of this case.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6 and 10-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Terasaki (US 5,999,532).

8. In regard to claim 1, Terasaki disclosed:

formulating a query message at a client machine, said query message containing a source IP address and a QoS profile requirement of a user application; (column 7, line 60)

sending the query message to a server machine; (column 7, line 61)

decoding the query message at the server machine; (column 7, line 61)

determining availability of PVC connections at the server; (column 8, lines 1-12)

determining availability of SVC connections at the server; (column 8, lines 1-12)

formulating a response message at the server machine, said response message containing server information and the availability of the PVC connections and the SVC connections; (column 8, lines 1-12)

sending the response message to the client machine; (column 8, lines 1-12)

decoding the response message at the client machine; (column 8, lines 1-12) and

connecting the client machine to the server machine based upon the response message. (column 8, lines 1-12)

9. In regard to claim 2, Terasaki disclosed:

connecting the client machine to the server machine using the PVC connection when the response message indicates that the PVC connection is available. (column 8, lines 30-54)

10. In regard to claim 3, Terasaki disclosed:

connecting the client machine to the server machine using the SVC connection when the response message indicates that the SVC connection is available. (column 8, lines 25-29)

11. In regard to claim 4, Terasaki disclosed:

receiving additional response messages from the server; (column 8, lines 50-54)

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extracting server information stored in the additional response messages; (column 8, lines 50-54)

and

storing the server information in a connection database at the client machine. (column 8, lines 50-54. The connection database is the connection parameter data inherently stored in the client machine to maintain the connection.)

12. In regard to claim 5, Terasaki disclosed:

repeating the steps of claim 4 until a server having the QoS profile has been identified. (column 7, line 65 – column 8, line 12)

13. In regard to claim 6, Terasaki disclosed:

connecting the client machine to the server having the desired QoS profile. (column 8, lines 30-54)

14. Claim 10 is substantially the same as claim 1.

15. In regard to claim 11, *the first QoS selector is configured to store an IP address of the client machine in the connection request* is inherent to Terasaki.

16. In regard to claim 12, Terasaki disclosed:

the second QoS selector is configured to store VPI/VCI connection pair values in the connection response when a PVC connection exists at the server machine. (column 8, lines 1-12. The VPI/VCI connection pair values were required to establish a PVC connection.)

17. In regard to claim 13, Terasaki disclosed:

the second QoS selector is configured to store an ATM address of the server machine when an SVC connection exists at the server machine. (Signaling of the SVC connection setup inherently required the transmission of the ATM address for the SVC connection.)

18. In regard to claim 14, Terasaki disclosed:

the connection means establishes a PVC connection between the client machine and the server machine when the VPI/VCI connection pair values are detected in the connection response. (column 8, lines 30-49. The presence of the VPI/VCI connection pair in a connection response would inherently trigger the machine to establish a PVC connection instead of a SVC connection.)

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19. In regard to claim 15, Terasaki disclosed:

the connection means establishes an SVC connection between the client machine and the server machine when the ATM address is detected in the connection response. (column 8, lines 25-29. The presence of the ATM address in the connection response would inherently trigger the machine to establish a SVC connection instead of a PVC connection.)

20. In regard to claim 16, Terasaki disclosed:

the storage means extracts ATM connection information, server mapping information, server QoS information, and server address information from the connection response. (column 8, lines 25-29. The information provided were necessary for establishment of an ATM PVC or SVC based upon the ATM signaling used in Terasaki.)

21. In regard to claim 17, Terasaki disclosed:

the storage means stores the ATM connection information, server mapping information, server QoS information, and server address information in a connection database. (column 8, lines 50-54. The *connection database* is the connection parameter data inherently stored in the client machine to maintain the connection.)

22. Claim 18 is substantially the same as claim 1.

23. In regard to claim 19, Terasaki disclosed:

the service indicator data indicates the availability of the level of service at the respective server. (column 8, lines 25-29. This is part of the ATM signaling used to establish the connection.)

24. In regard to claim 20, Terasaki disclosed:

the service indicator data indicates the availability of PVC connections and SVC connections at the respective server. (column 8, lines 25-54)

25. In regard to claim 21, Terasaki disclosed:

the service indicator data indicates the Quality of Service availability at the respective server. (column 8, lines 25-29. This is part of the ATM signaling used to establish the connection.)

26. In regard to claim 22, Terasaki disclosed:

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selecting a server for communication with the client application based at least in part on the service indicator data. (column 8, lines 50-65)

- 27. Claim 23 is substantially the same as claim 1.
- 28. Claim 24 is substantially the same as claim 11.
- 29. Claim 25 is substantially the same as claim 20.
- 30. Claim 26 is substantially the same as claim 21.
- 31. Claim 27 is substantially the same as claim 2.
- 32. Claim 28 is substantially the same as claim 3.

Conclusion

- 33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 34. Cushman et al. US 5,751,698
- 35. Chiu et al. US 6,597,689
- 36. Kavak US 6,822,963
- 37. Allan et al. US 6,788,696
- 38. Hemmady US 6,781,996
- 39. Arndt et al. US 6,707,820
- 40. McDysan, David et al. ATM Theory and Application. Signature Edition. McGraw-Hill. 1999. pp 285-343, 401-441, 635-636, 865-878, 937-943.
- 41. The ATM Forum Glossary – "I". <http://www.dit/upm/es/snh/arhelp/glossaries/atmf/gloss-i.html>
- 42. ITU Q.2931. <http://cell-relay.indiana.edu/cell-relay/docs/Q.2931.html>, section 4.
- 43. Shiraishi, S. Draft Text for Q.2931, Chapters 1-3. ITU – Telecommunication Standardization Sector.
- 44. ITU Q.2931 Chapter 4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone
Supervisory Patent Examiner
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